

October 4, 2005

Mr. Thomas R. Pinkos
Executive Officer
Regional Water Quality Control Board,
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

Dear Mr. Pinkos:

Thank you for the opportunity to comment on the proposed basin plan amendments that address mercury in Cache Creek, Bear Creek, Sulphur Creek, and Harley Gulch. We reviewed the proposed actions to adopt water quality objectives for methylmercury and mercury TMDLs for several creeks, and conclude they are consistent with applicable federal regulations concerning water quality standards and TMDLs. This letter provides our comments.

We commend the Regional Board staff's hard work and thorough analyses to develop the proposed water quality standards and TMDLs. We recognize the complexity of mercury and methylmercury water quality standards and cycling in the environment, and the difficulty in controlling sources of loadings to these water bodies.

Comment #1: Specific Trophic Level Fish Tissue Objectives for Cache Creek, Bear Creek and Harley Gulch

The Staff Report provides a thorough analysis of alternatives of trophic level fish tissue objectives for methylmercury in Cache Creek, Bear Creek and Harley Gulch. The analysis is sound and the new objectives will be approvable upon submission to EPA. We support your proposal to adopt Alternative 2, which fully protects human health, wildlife, and federally listed threatened and endangered species such as the bald eagle. We understand Alternative 2 is the only alternative supported by the U.S. Fish and Wildlife Service as protective of relevant threatened and endangered species living in and around the water bodies.

Comment #2: TMDLs for Cache Creek, Bear Creek and Harley Gulch

The proposed TMDLs for Cache Creek, Bear Creek and Harley Gulch contain all required TMDL elements, are technically sound, and will be approvable upon submittal to EPA. The TMDLs will result in attainment of all applicable water quality standards including the proposed fish tissue methylmercury water quality objectives and the California Toxics Rule's water column criterion of 50 ng/l of total mercury.

Comment #3: Sulphur Creek

We understand the Board will not be adopting a TMDL for Sulphur Creek as the staff report (p. 25) indicates the Board intends to change a beneficial use designation prior to proceeding with the adoption of the TMDL. We commend the care with which staff has analyzed this issue.

We appreciate your hard work on these water quality standards and TMDLs, and look forward to receiving the State's submittal following Regional Board, State Board, and OAL action. If you have any questions concerning these comments, please call me at 415 972-3572 or Diane Fleck at 415 972-3480.

Sincerely yours,

/original signed by/

Alexis Strauss
Director
Water Division